

HOUSE BILL 3501

By Hawk

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to method of selecting commissioners of a utility district located in any county having a population of not less than eighteen thousand three hundred one (18,301) nor more than eighteen thousand four hundred (18,400) according to the 2010 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(a)(7), is amended by designating the existing language as subdivision (a)(7)(A) and by adding the following language as a new subdivision (a)(7)(B):

(B) In the same manner if the board of commissioners of a utility district to which former subdivision (kk) applied prior to May 6, 2004, who pursuant to Chapter 618 of the Public Acts of 2004 was permitted to continue using such method of selection unless the method was changed by resolution to selection by a county mayor, and who by resolution did change its method of selection of the commissioners from plurality vote of customers of the utility district to appointment by a county mayor, the board of commissioners of such utility district may, by resolution, choose to revert from appointment by the county mayor to selection of the commissioners by plurality vote of the customers in the same manner as was provided in former subdivision (kk). Upon the filing of a certified copy of the resolution with the utility management review board, the board shall enter an order either approving or disapproving the resolution. The board shall approve the resolution upon finding that a change in the method of filling vacancies from appointment by a county mayor or mayors under subdivision (a)(4) or (a)(5) as was

authorized pursuant to the previous resolution is in the best interest of the utility district and its customers. All vacancies on the utility district's board of commissioners that occur after the entry of an order approving the resolution shall be by plurality vote of customers of the utility district in the same manner and to the same extent authorized by former subdivision (kk) on May 6, 2004, and for such purposes such former subdivision (kk) is hereby revived. If the board enters an order disapproving the resolution, then the utility district's method of filling vacancies shall remain unchanged, and the utility district shall continue to fill vacancies under the method the utility district has been using before the adoption of the resolution to elect its commissioners by plurality vote.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.